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ENGROSSED SUBSTITUTE HOUSE BILL 1099

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State of Washington

66th Legislature

2019 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Jenkins, Cody, Tharinger, Robinson, and Reeves)

READ FIRST TIME 02/13/19.

1 AN ACT Relating to providing notice about network adequacy to  
2 consumers; adding a new section to chapter 48.43 RCW; and creating a  
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43  
6 RCW to read as follows:

7 (1) The commissioner shall amend his or her rules on electronic  
8 provider directories to require health carriers to include a notation  
9 when any mental health provider or substance abuse provider is closed  
10 to new patients.

11 (2) Beginning January 1, 2020, a health carrier shall prominently  
12 post the information listed in (a) through (e) of this subsection on  
13 its web site in an easily understandable format and in a manner that  
14 any interested party may obtain the information:

15 (a) Whether the health carrier classifies mental health treatment  
16 and substance abuse treatment as primary care or specialty care and  
17 the number of business days within which an enrollee must have access  
18 to covered mental health treatment services and substance abuse  
19 treatment services under network access standards pertaining to  
20 primary care or specialty care, as applicable, adopted by the  
21 commissioner;

1 (b) Information on actions an enrollee may take if he or she is  
2 unable to access covered mental health treatment services or  
3 substance abuse treatment services within the requisite number of  
4 business days, including any tools or resources the carrier makes  
5 available to enrollees to assist them in finding available providers  
6 and information on how to file a complaint with the office of the  
7 insurance commissioner;

8 (c) Any instances where the commissioner has taken disciplinary  
9 action against the health carrier for failing to comply with network  
10 access standards for covered mental health treatment services or  
11 substance abuse treatment services;

12 (d) A link to the commissioner's report published under  
13 subsection (5) of this section; and

14 (e) Resources for persons who are experiencing a mental health  
15 crisis including, but not limited to, information on the national  
16 suicide prevention lifeline.

17 (3) The commissioner shall, by rule, specify a model format for  
18 the information required to be posted on a health carrier's web site  
19 under subsection (2) of this section.

20 (4) The commissioner may audit the information a health carrier  
21 provides under this section for accuracy.

22 (5) The commissioner shall annually publish on the commissioner's  
23 web site a report on the number of consumer complaints per licensed  
24 health carrier the commissioner received in the previous calendar  
25 year regarding consumers who were not able to access covered mental  
26 health treatment services or substance abuse treatment services  
27 within the time limits established by the commissioner for primary  
28 care or specialty care.

29 NEW SECTION. **Sec. 2.** This act may be known and cited as  
30 Brennen's law.

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